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Attorney Docket Number – 1060A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Terrell Neils Andersen et al.)
Serial No.: 09/610,821) Art Unit: 1741
Filing Date: July 6, 2000) Examiner: Arun S. Phasge
Priority Date: December 21, 1998) Confirmation No. 5412
For: HIGH DISCHARGE CAPACITY)
ELECTROLYTIC MANGANESE)
DIOXIDE AND METHODS OF)
PRODUCING THE SAME)

#9
AB
10/15/02

Box Non-Fee Amendment
Commissioner for Patents
Washington, D. C. 20231

Response to Office Action

Sir:

In response to the Official Action mailed on July 8, 2002, the Applicants, through their attorney, responds as follows:

REMARKS

Rejection of the Claims

The Examiner has rejected claims 17-25 under 35 U.S.C. § 102(b) and/or §103 as being anticipated or obvious in view of six different U.S. Patents. As the basis for each rejection, the Examiner references In re Hack, 114 U.S.P.Q. 161 (C.C.P.A. 1957) stating, “[i]t has been well settled that the intended use of a composition is not patentably significant,” as well as Ex parte Gray, 10 USPQ2D 1922, 1925 (BPAI 1989), for the proposition that “the burden is on applicants to show product differences in product comparisons.” The Applicants respectfully traverse the rejections of the claims and request reconsideration thereof. It should be noted that the arguments presented herein relate solely to the subject matter of the pending claims and the grounds for rejection advanced by the examiner with respect to such claims, and are not to be taken as